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| <b>STATEMENT CLAIMING SMALL ENTITY STATUS<br/>(37 CFR 1.9(f) &amp; 1.27(c)) -- SMALL BUSINESS CONCERN</b> | <b>Docket Number (Optional)</b><br>T8534.CIP |
|---|--|

Applicant, Patentee, or Identifier: James J. Croft III

Application or Patent No.: 09/954,636

Filed or Issued: September 14, 2001

Title: BANDPASS WOOFER ENCLOSURE WITH MULTIPLE ACOUSTIC FILTERS

I hereby state that I am

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN American Technology Corporation

ADDRESS OF SMALL BUSINESS CONCERN 13114 Evening Creek Drive South, San Diego, CA 92128

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20415.

I hereby state that rights under contract law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.
- ☒ the application identified above.
- ☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.
- ☐ each such person, concern, or organization is listed below.

Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING James J. Croft III

TITLE OF PERSON IF OTHER THAN OWNER Chief Technology Officer

ADDRESS OF PERSON SIGNING 13633 Quiet Hills Drive, Poway, California 92064

SIGNATURE [Signature] DATE 12/7/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



PATENT APPLICATION NO. 09/954,636  
ATTORNEY DOCKET NO. T8534.CIP

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### DECLARATION AND PETITION

As a below named inventor, I hereby declare: that my residence, post office address, and citizenship are as stated below next to my name; that I verily believe I am the original, first, and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled BANDPASS WOOFER ENCLOSURE WITH MULTIPLE ACOUSTIC FILTERS, the specification of which was filed on September 14, 2001 as United States Application No. 09/954,636; that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above; and that I acknowledge the duty to disclose information which is material to patentability as defined in § 1.56(a) of Title 37 of the Code of Federal Regulations.

I hereby claim the benefit under Section 120 of Title 35 of the United States Code of the earlier filed patent applications filed in the US as application number 09/505,553 filed on February 17, 2000 and provisional patent application as application number 60/232,821 filed on September 15, 2000; and, insofar as the subject matter of each of the claims of these applications is not disclosed in the earlier filed pending applications in the manner provided by the first paragraph of Section 112 of Title 35 of the United States code, we acknowledge the duty to disclose material information, as defined in Section 1.56(a) of Title 37 of the Code of Federal Regulations, which occurred between the filing date of the earlier filed applications and the filing date of this application.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements


were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

Wherefore, I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, declaration, and this petition.

Signed at San Diego, California, this 17<sup>th</sup> day of October 2001.

INVENTOR:

Residence: (City, State)  
Citizenship:  
Post Office Address:

  
James J. Croft III  
Poway, California  
United States of America  
13633 Quiet Hills Drive  
Poway, California 92064

**POWER OF ATTORNEY**

American Technology Corporation, a corporation, organized and existing under the laws of the State of Delaware, having a business address of 13114 Evening Creek Drive South, San Diego, California 92128, owner of all right, title and interest in the invention entitled BANDPASS WOOFER ENCLOSURE WITH MULTIPLE ACOUSTIC FILTERS for which an application for United States Letters patent was filed on September 14, 2001, and given U.S. Patent Application Serial No. 09/954,636, and empowered to prosecute the U.S. and foreign applications on behalf of the inventors, hereby appoint as its attorneys and/or patent agents the law firm of THORPE NORTH & WESTERN, LLP, having a business address of 8180 South 700 East, Suite 200, Sandy, Utah 84070, and VAUGHN W. NORTH, Registration No. 27,930; M. WAYNE WESTERN, Registration No. 22,788; CLIFTON W. THOMPSON, Registration No. 36,947; GARRON M. HOBSON, Registration No. 41,073; PETER M. DE JONGE, Registration No. 47,521; WEILI CHENG, Registration No. 44,609; DAVID R. MCKINNEY, Registration No. 42,868; STEVE M. PERRY, Registration No. 45,357; GARY P. OAKESON, Registration No. 44,266; DAVID W. OSBORNE, Registration No. 44,989, and KEITH HARGROVE, Registration No. 34,836 all with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. All correspondence concerning this application should be directed to:

**Vaughn W. North**  
**THORPE NORTH & WESTERN, LLP**  
**P.O. Box 1219**  
**Sandy, Utah 84091-1219**  
**Telephone: (801) 566-6633**  
**Facsimile: (801) 566-0750**

Dated this 17<sup>th</sup> day of October 2001 at San Diego, California.

AMERICAN TECHNOLOGY CORPORATION

By

  
James J. Croft

Chief Technology Officer